

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

STEVE & SEBRINA WEST

PLAINTIFFS

V.

CIVIL ACTION NO. 1:19-CV-146-GHD-DAS

**STATE FARM FIRE AND
CASUALTY COMPANY AND
JOHN DOES 1-10**

DEFENDANTS

**ORDER DENYING MOTION TO
CONDUCT DEPOSITIONS AND LIMIT COSTS**

On September 18, 2020 – the parties’ discovery deadline – the plaintiffs Steve and Sebrina West filed a motion to conduct certain depositions outside the discovery deadline as well as to limit the costs of the defendant’s experts’ depositions. Docket 48. Local Uniform Civil Rule 7(b)(2)(C) provides that “[a] party *must* file a discovery motion sufficiently in advance of the discovery deadline to allow response to the motion, ruling by the court and time to effectuate the court’s order *before* the discovery deadline.” L.U.Civ.R. 7(b)(2)(C) (emphasis added). Because the plaintiffs filed the instant motion on the discovery deadline, compliance with Local Rule 7(b)(2)(C) is impossible. Furthermore, the Case Management Order entered on October 17, 2019, imposes the following discovery provision:

[B]efore a party may serve any discovery motion, counsel must first [confer] in good faith as required by Fed. R. Civ. P. 37(a)(1). If the attorney conference does not resolve the dispute, counsel must contact the chambers of the magistrate judge to request a telephonic conference to discuss the issue as contemplated by Fed. R. Civ. P. 16(b)(3)(B)(v). *Only if the telephonic conference with the judge is unsuccessful in resolving the issue may a party file a discovery motion.*

Docket 12 (emphasis added). Counsel did not request a telephonic conference to discuss this discovery dispute prior to filing the motion. For these reasons, the plaintiffs’ Motion to Conduct Depositions and Limit Costs is **DENIED**. Should the court grant the defendant’s pending Motion for Continuance (Docket 45) and if a request for a discovery conference is made, the court will

consider the plaintiffs' request to limit costs.

SO ORDERED, this the 2nd day of October, 2020.

/s/ David A. Sanders

UNITED STATES MAGISTRATE JUDGE